

Sub  
EI  
concl'd

(a) an oval mirror lens, the mirror lens being a substantially convex ellipsoid with a [first] major axis and a [second major] minor axis, the [second major] minor axis being different from the [first] major axis, the mirror lens having a reflective surface and a non-reflective rear surface, the mirror lens further including a parametral edge, the edge surrounding the reflective surface and the non-reflective surface of the mirror lens;

Cont.  
C2

(b) means for supporting the mirror lens;

(c) means for mounting the mirror lens to a mounting surface; and

wherein the [first] major axis has a varying radius therealong, and the shorter radius along each [major] axis being proximate the parametral edge and the larger radius along each axis being proximate the intersection of the two axes.

#### REMARKS

Upon entry of the present amendment, Claims 1 and 7 remain pending in the above-identified application.

The above-identified Office Action has been carefully reviewed and considered. In view thereof, the present amendment is submitted. It is contended that by the present amendment all bases of rejection have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### STATEMENT OF THE REJECTION

Claims 1 and 6 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,436,587 issued to Schmidt et alia. In the alternate, the Examiner rejects Claims 1 and 6 under 35 USC §103 as being unpatentable over the Schmidt et alia reference.

Claims 1, 6 and 7 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,084,785 issued to Albers et alia. In the alternate, the Examiner rejects Claims 1, 6 and 7 under 35 USC §103 as being unpatentable over the Albers et alia reference.

Claims 1, 6 and 7 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 is provisionally rejected under 35 USC §101 as claiming the same invention as that of Claim 1 of copending application Serial No. 07/942,294.

### **DISCUSSION**

At the outset of this discussion, Applicants note the Examiner's Office Action with some perplexity. On February 16, 1995, Applicants filed a petition to make special the present application. Accordingly, a voluntary preliminary amendment was filed at that time. That amendment altered both Claims 1 and 7, and cancelled Claim 6. It is obvious the Examiner was unaware of the amendment, as he examined the claims as originally filed. Thus, the Applicants believe that the Office Action issued by the Examiner is incomplete, and thus a proper first examination of the application still needs to be made. In the interest of furthering the prosecution of the application, Applicants have made minor amendment herein and present the following comments.

Applicants firstly note that Claim 6 is cancelled. Thus, all rejections directed thereto are moot.

The Examiner rejected under 35 USC §112 Claim 1 on the basis of the usage of the terminology first major axis and second major axis. The Examiner has suggested the terminology major axis and minor axis. The Applicants have amended Claim 1 to so reflect that suggested terminology. Accordingly, Claim 1 as amended traverses any rejections thereof under 35 USC §112.

Claim 1 having been amended in the previous voluntary preliminary amendment, Applicants submit that Claim 1 is not identical to that in the copending application, and thus the provisional rejection is moot.

Regarding the rejection of Claim 1 under alternately 35 USC §102(b) or 35 USC §103 by the Schmidt reference, Applicants note that the Examiner cited four different

Schmidt references in the Form PTO-892. Thus, the Office Action is unclear as to which reference is being applied. It is assumed for the sake of this discussion that the Patent No. 4,436,372 is being applied, again for the sake of argument.

The Examiner has asserted that a feature not shown in the Schmidt reference, the oval mirror portion, is inherent. This is misplaced. Sensing this, the Examiner then asserts that this is obvious to one of skill in the art. However, the Examiner shows no teaching to show this in the art, so that it would occur to one of such skill. Without such support, the Examiner makes a bald and unsupportable presumption. Thus, this rejection must fail.

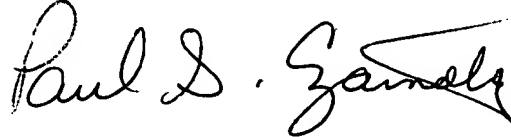
Both Claims 1 and 7 stand rejected alternately under 35 USC 102(b) or 35 USC §103 as being anticipated or obvious over the Albers et alia reference. The Examiner states that Albers teaches a varying radius for the major and minor axis. However, this is not stated in Albers. Rather, a fixed radius for each axis is stated in Column 3, lines 62-63. Perhaps, as Albers states, it has a surface that is changing in curvature. However, Albers does not teach the features of Claim 7 of varying radii; rather, it teaches the opposite. Thus, it cannot anticipate nor suggest this feature.

Regarding the 35 USC 112 rejections of Claim 7, Applicants note that the suggested language of the Examiner has been adopted. Thus, these rejections should be traversed.

Applicants believe that the claims as amended and pending in this case are novel and unobvious over the art of record. Accordingly, it is respectfully requested that the rejection of record be reconsidered and withdrawn, and a Notice of Allowance to that effect be issued forthwith. At minimum, the Examiner needs to do a true first Examination of this case and the claims of date on record. If the Examiner believes that

a telephone conference would benefit the prosecution of this application, he is encouraged to contact this attorney at the number listed below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul S. Czarnota", with a stylized flourish at the end.

Paul S. Czarnota  
Attorney for Applicants  
Registration No. 34572  
(810) 258-5590

WEINTRAUB, DuROSS & BRADY  
30200 Telegraph Road, Suite 444  
Bingham Farms, MI 48025  
Date: June 21, 1995